

SENATE BILL NO. 363
INTRODUCED BY STEWART-PEREGOY, JUNEAU

House Bill 283 introduced this session by D. Himmelberger and endorsed by the Labor/Management Advisory Council on Workers' Compensation, has been forwarded to the governor for his signature. The bill requires a letter of intent to create a new exemption under the Workers' Compensation Act. The following language is taken directly from that bill.

(2) The letter of intent must contain a good faith effort to provide the following:

(a) an estimate of the number of employees statewide who would become exempt from coverage under the Workers' Compensation Act; (It is estimated that between 250 and 350 persons annually could be exempt for brief speaking engagements at public K-12 schools.)

(b) an estimate of the number of employers statewide who would no longer be required to provide workers' compensation coverage to the exempt workers; (This estimate would be the number of public K-12 schools in Montana – OPI will have this information – an estimate is approximately 350 school districts.)

(c) an analysis of which entity would become responsible for the costs of injury; (The person and no entity would be responsible for their costs. The only reason a speaker would have the cost of an injury paid would be if the school district was negligent in maintaining their premise and the person from the public slipped or fell and suffered an injury. This exposure or risk of loss is no different than that of the thousands of parents that come in and out of our public schools each day.)

(d) an analysis of the change in potential liability to an employer if an exempt employee is injured; (This risk is no greater than what K-12 public schools have right now for premise liability with parents picking up their children from school.)

(e) an estimate of the reduction in total state payroll for the occupation for which the exemption is being requested; and (This is not estimated to have an impact.)

(f) an explanation of the possible social costs of allowing the exemption. (There is actually more benefit than cost by allowing the K-12 school districts the ability to have greater access to these speakers.)

(3) The legislative fiscal analyst shall provide to the bill draft requester an independent assessment of the letter of intent.

(4) The department of labor and industry shall provide an independent assessment of the letter of intent regarding information that is within the expertise of that department.

(5) For the purposes of this section, a letter of intent is a public record.

(6) A bill draft request submitted without this letter of intent may not be processed for introduction to the legislature.